

PROPANE EDUCATION AND RESEARCH COUNCIL, IOWA[599]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 101C.3, the Iowa Propane Education and Research Council hereby gives Notice of Intended Action to amend Chapter 1, "Propane Education and Research Council," Iowa Administrative Code.

The purposes of this amendment are to add rules concerning the development by the Iowa Propane Education and Research Council of energy efficiency programs dedicated to weatherization and to modify the rules concerning the membership of the Iowa Propane and Education Research Council pursuant to Iowa Code chapter 101C as amended by 2009 Iowa Acts, House File 684, sections 1 to 4.

Interested persons may make written comments on the proposed rules on or before October 27, 2009. Such written material should be directed to the Iowa Propane Education and Research Council, P.O. Box 57188, Des Moines, Iowa 50317. Persons who want to convey their views orally should contact the Iowa Propane Education and Research Council at (515)564-1260 or at 4830 Maple Drive, Suite 8, Pleasant Hill, Iowa.

Also, a public hearing will be held on October 27, 2009, at 10 a.m. in the Iowa Propane Education and Research Council Conference Room, 4830 Maple Drive, Suite 8, Pleasant Hill, Iowa. Persons may present their views at the public hearing either orally or in writing. Persons who wish to make oral presentations at the public hearing should contact the Iowa Propane Education and Research Council, P.O. Box 57188, Des Moines, Iowa 50317, or (515)564-1260 at least one day prior to the date of the public hearing.

These amendments are intended to implement 2009 Iowa Acts, House File 684, sections 1 to 4.

The following amendments are proposed.

ITEM 1. Adopt the following new definitions of "Energy star certification" and "Weatherization" in rule **599—1.1(101C)**:

"Energy star certification" means meeting energy efficiency standards and guidelines pursuant to the Energy Star Program developed and jointly administered by the United States Environmental Protection Agency and United States Department of Energy.

"Weatherization" means activities designed to promote or enhance energy efficiency in a residence or other building including but not limited to the installation of attic, wall, foundation, crawlspace, water heater, and pipe insulation; air sealing including caulking and weather-stripping of windows and doors; installation of windows and doors that qualify for energy star certification; the performance of home energy audits; programmable thermostat installation; and carbon monoxide and radon inspection and detection system installation.

ITEM 2. Rescind the definition of "Public member" in rule **599—1.1(101C)**.

ITEM 3. Amend rule 599—1.2(101C) as follows:

599—1.2(101C) Organization and operation.

1.2(1) The council shall consist of ten voting members appointed by the ~~governor~~ fire marshal, nine of whom represent retail propane marketers and one of whom shall be a ~~public member~~ the administrator of the division of community action agencies of the department of human rights. Qualified propane industry organizations shall together nominate all members of the council other than the administrator.

A vacancy in the unfinished term of a council member shall be filled for the remainder of the term in the same manner as the original appointment was made.

1.2(2) Other than the ~~public member administrator~~, council members shall be full-time employees or owners of a propane industry business or representatives of an agricultural cooperative actively engaged in the propane industry. An employee of a qualified propane industry organization shall not serve as a member of the council. An officer of the board of directors of a qualified propane industry organization or propane industry trade association shall not serve concurrently as a member of the council.

1.2(3) to 1.2(5) No change.

1.2(6) A council member, other than the ~~public member administrator~~, shall not receive compensation for the council member's service and shall not be reimbursed for expenses relating to the council member's service. ~~The public member shall receive a per diem as specified in Iowa Code section 7E.6 and shall be reimbursed for actual expenses incurred in performing official duties of the council not to exceed 40 days per year.~~

1.2(7) to 1.2(10) No change.

ITEM 4. Amend rule 599—1.3(101C) as follows:

599—1.3(101C) Program and project development and implementation.

1.3(1) No change.

1.3(2) The council may develop energy efficiency programs dedicated to weatherization, acquisition and installation of energy-efficient customer appliances that qualify for energy star certification, installation of low-flow faucets and showerheads, and energy efficiency education. The council may by rule establish quality standards in relation to weatherization and appliance installation.

~~1.3(2)~~ **1.3(3)** The programs and projects shall be developed to attain equitable geographic distribution of their benefits to the fullest extent practicable. The council shall coordinate its programs and projects with propane industry trade associations and others as the council deems appropriate to provide efficient delivery of services and to avoid unnecessary duplication of activities. The council shall give priority to the development of programs and projects related to research and development, safety, education, and training.

~~1.3(3)~~ **1.3(4)** At the beginning of each fiscal year, the council shall prepare a budget plan for the next fiscal year, including the probable cost of all programs, projects, and contracts to be undertaken. The council shall submit the proposed budget to the fire marshal for review and comment. The fire marshal may recommend appropriate programs, projects, and activities to be undertaken by the council.

~~1.3(4)~~ **1.3(5)** The council shall also perform the functions required of a state organization under the federal Propane Education and Research Act of 1996, be the repository of funds received under that Act, and separately account for those funds. The council shall coordinate the operation of the program with the federal council as contemplated by 15 U.S.C. Section 6405. These rules shall be administered and construed as complementary to the federal Propane Education and Research Act of 1996, 15 U.S.C. Section 6401 et seq. These rules shall not be construed to preempt or supersede any other program relating to propane education and research organized and operated under the laws of this state.

ITEM 5. Amend subrule 1.4(2) as follows:

1.4(2) The council shall prepare and submit an annual report to the fire marshal and the auditor of state summarizing the activities of the council conducted pursuant to this chapter. The report shall show all income, expenses, and other relevant information concerning assessments collected and expended under these rules. The report shall also include a summary of energy efficiency programs if developed by the council.